

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the matter of	)	
	)	
Petition for Waiver of Commission Rules	)	CC Docket No. 02-6
by	)	
	)	
School Board of Marion County, FL	)	File No. SLD – 1026667
	)	
Schools and Libraries Universal Service	)	
Support Mechanism	)	
	)	

**SCHOOL BOARD OF MARION COUNTY  
PETITION FOR WAIVER**

The School Board of Marion County, Florida (“SBMC” or “School Board”)<sup>1</sup>, by its undersigned representative and pursuant to Section 54.719(c) of the Federal Communications Commission’s (“FCC”) rules,<sup>2</sup> hereby submits this petition for waiver of Commission rules to allow SBMC to receive E-rate program reimbursements for services paid for and received.

As discussed more fully below, SBMC requested and USAC committed program support for E-rate-eligible services. The service provider delivered the services, and the School Board issued payment for its non-discount portion. But before SBMC requested reimbursement from USAC, the service provider company was sold. And because it was no longer operational, USAC was unable to issue reimbursement to SMBC through the original service provider, as required under former E-rate invoicing procedures.

The School Board filed a Good Samaritan request with USAC to collect the funds, which USAC approved. SBMC then submitted a reimbursement request for the amount owed, listing the Service Provider Identification Number (“SPIN”) associated with the original provider. USAC, however, denied

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<sup>1</sup> Billed Entity Number 127868.

<sup>2</sup> 47 C.F.R. § 54.719(c) (permitting parties seeking waivers of the Commission’s rules to seek relief directly from the Commission).

reimbursement to the School Board because the service provider did not have a Funding Year 2015 Service Provider Annual Certification (“SPAC”) form on file with the Administrator.

According to USAC, its procedures prohibit it from issuing reimbursement to an applicant unless the service provider listed on the FCC Form 472 (“BEAR” Form) has filed an annual certification form. With recent changes to E-rate invoicing procedures, however, this requirement and in fact the Good Samaritan process in general has become impractical and unnecessary. It also in effect bars applicants in certain instances from receiving reimbursement for services paid for and received, as demonstrated by the facts and circumstances of this case. Finally, USAC’s requirement is troublingly contradictory to the intent and policy underling the Good Samaritan Rule.

The School Board now respectfully requests that the Commission expeditiously (1) instruct USAC to reconsider and revise its Good Samaritan rules and procedures, (2) direct USAC to issue reimbursement to SBMC in the amount of \$111,240.00,<sup>3</sup> and (3) to the extent necessary, waive Section 54.504(f)<sup>4</sup> and any other of the Commission’s rules as are necessary to grant the requested relief.

## **I. BACKGROUND**

On January 24, 2012, SBMC entered into a three-year agreement with the City of Dunnellon d/b/a Greenlight Communications (“Greenlight”) for the provision of wide area network (“WAN”) services. In 2013, Greenlight was acquired by Florida Cable, Inc. (“FCI”), and FCI continued as the service provider in accordance with the Master Purchase and Sale of Assets agreement dated December 13, 2013. The School Board and FCI renewed services for another one-year term in March 2015.

SBMC filed an FCC Form 471 on March 25, 2015, requesting E-rate program discounts for Category One services.<sup>5</sup> Included on the application was its funding request for the WAN services

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<sup>3</sup> The funding request amount after applying the 90% Discount Rate.

<sup>4</sup> 47 C.F.R. § 54.504(f) (requiring all service providers eligible to provide telecommunications and other supported services under Subpart I of the Commission’s rules to submit annually a completed FCC Form 473 to the Administrator).

<sup>5</sup> FCC Form 471 Application Number 1026667.

totaling \$111,240.00. On October 22, 2015, USAC approved the funding request and issued a Funding Commitment Decision Letter for the requested amount.

The School Board received the services and issued payment to FCI. But prior to requesting reimbursement from USAC, SBMC received an email from David Suarez, FCI's CEO, explaining that FCI had been purchased by a new company.<sup>6</sup> The School Board was also informed that, because the service provider was no longer operational, USAC would be unable to issue reimbursement through FCI, as required by former invoicing rules.

SBMC filed a Good Samaritan request on August 15, 2016 to collect the funds from USAC, which USAC approved.<sup>7</sup> USAC did not list or designate a Good Samaritan provider in the approval letter, although it did inform SBMC that it would need to initiate the re-invoicing process by submitting a new BEAR Form. Accordingly, on October 18, 2016, the School Board submitted an FCC Form 472, requesting reimbursement in the amount of \$111,240.00.<sup>8</sup> Because the approval letter did not assign a Good Samaritan provider, SBMC listed the SPIN associated with the original service provider, FCI.<sup>9</sup> USAC subsequently denied the reimbursement request, however, because FCI did not have a Service Provider Annual Certification ("SPAC") on file.<sup>10</sup>

The School Board reached out to USAC, explaining that FCI did not have a SPAC on file because the company had been sold and that it could not list the Good Samaritan provider on the FCC Form 472 because one had not been assigned by USAC. SBMC also requested guidance from USAC regarding any administrative remedies available or alternate courses of action to recover the funds owed.<sup>11</sup> USAC responded with the following information and explained to SBMC that a waiver of Commission rules would be required:

The SPAC is required for any invoice, BEAR or SPI, to be processed. This is a rule and we cannot waive the rules. A waiver is

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<sup>6</sup> Email from David Suarez, attached as Exhibit A.

<sup>7</sup> Good Samaritan Request and Good Samaritan Request Approval Letter, attached together as Exhibit B.

<sup>8</sup> FCC Form 472 – Billed Entity Applicant Reimbursement (BEAR) Form, attached as Exhibit C.

<sup>9</sup> Service Provider Identification Number (SPIN) 143035747.

<sup>10</sup> FCC Form 472 (BEAR) Notification Letter, attached as Exhibit D.

<sup>11</sup> SBMC Request for Guidance, attached as Exhibit E.

needed for the rule. The Good Samaritan process cannot be used as a means to circumvent the programs rules.<sup>12</sup>

Unfortunately, because USAC's Good Samaritan procedures have not been revised to reflect recent changes to the E-rate invoicing procedures, and because of the impracticability of the SPAC requirement, SBMC cannot possibly comply with existing but outdated rules. The School Board now faces the threat of losing \$111,240.00 in much-needed funding, because, as USAC alleges, program rules will not allow it to issue reimbursement to SBMC.

## **II. DISCUSSION**

### **A. The Commission Should Instruct USAC to Revise Existing Good Samaritan Procedures.**

#### **i. Revising Good Samaritan Procedures to Reflect Recent Changes to E-rate Invoicing Methods.**

Under former E-rate invoicing procedures, once an applicant submitted a request for reimbursement, USAC would issue payment to the service provider, and the service provider would in turn pass the funds to the applicant. USAC has since streamlined the invoicing process, allowing applicants to receive payment from USAC directly to a designated bank account. Because funds are now deposited directly, there is no reason to require a Good Samaritan provider when the original provider has delivered services and the applicant is simply awaiting payment from USAC. Under these circumstances, USAC in effect takes the place of the Good Samaritan provider and may issue payment to the applicant without passing the funds through a substitute provider. While USAC updated and streamlined its invoicing methods to include direct payment to applicants, it appears to have failed to update its Good Samaritan procedures. For this reason, it is imperative that the Commission instruct USAC to promptly revise its Good Samaritan procedures.

#### **ii. Eliminating the SPAC Requirement in Good Samaritan Cases.**

If current procedures are kept intact, the Commission should at the very least eliminate the SPAC requirement in Good Samaritan cases, allowing applicants to receive reimbursement whether or not the

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<sup>12</sup> Email Response from USAC Representative, attached as Exhibit F.

original service provider has submitted its annual certification form. As discussed in the preceding section, service provider involvement in the Good Samaritan process is no longer necessary if the original provider has delivered services. Nevertheless, Section 54.504(f) of the Commission's rules requires all service providers eligible to provide E-rate services to submit annually a completed FCC Form 473 – Service Provider Annual Certification (SPAC) Form.<sup>13</sup> And USAC has made clear that it will not issue reimbursement to an applicant through the Good Samaritan process if the service provider listed on the BEAR Form has not filed its annual certification. However, the School Board and similarly situated applicants simply have no way to comply with the SPAC requirement as it is currently enforced. The original service provider, FCI, had no SPAC on file because the company was sold and no longer operational; and although USAC approved the Good Samaritan request, it failed to assign a Good Samaritan provider.

The Good Samaritan process exists to assist applicants in obtaining BEAR reimbursements through a Good Samaritan provider in situations where the original service provider has gone out of business or has filed for bankruptcy.<sup>14</sup> But USAC seems to have overlooked the fact that if a service provider has gone out of business, as was the case here, it may not and likely will not have a SPAC on file with the Administrator. This stands to reason, as it is unlikely that a service provider no longer participating in the E-rate program – whether the provider is no longer operational, has filed for bankruptcy, or has been barred due to program violations – will have filed a form certifying its compliance with program rules.

Eliminating the SPAC requirement is also necessary given that USAC has apparently discontinued its practice of assigning a Good Samaritan provider. USAC once notified applicants in the Good Samaritan Request Approval Letter which service provider would assume the Good Samaritan

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<sup>13</sup> 47 C.F.R. § 54.504(f).

<sup>14</sup> See *Good Samaritans*, Universal Service Administrative Company (Dec. 2015), <http://usac.org/sl/applicants/before-youre-done/good-samaritan.aspx>.

role.<sup>15</sup> In this case, however, the approval letter simply informed the School Board that its request had been approved and that it would next need to initiate the reimbursement process. SBMC submitted a reimbursement request to USAC, but because it was not assigned a Good Samaritan provider, it listed the SPIN associated with the original service provider. And USAC subsequently denied reimbursement because FCI had not filed its annual certification form. Again, although the School Board attempted to comply with Good Samaritan procedures, it could not have submitted a proper invoice given that USAC failed to assign a Good Samaritan provider and its original provider no longer existed.

iii. USAC's Current Good Samaritan Procedures Are Inconsistent with the Intent and Policy Underlying the Good Samaritan Rule.

Finally, the Commission should instruct USAC to revise existing Good Samaritan procedures because they are inconsistent with the intent and policy underlying the Good Samaritan Rule. The object of the Good Samaritan process is to “assist applicants in obtaining BEAR reimbursements through a Good Samaritan service provider,” in situations where the original service provider has gone out of business or has filed for bankruptcy.<sup>16</sup> In other words, it is due to circumstances surrounding the *service provider* that a Good Samaritan provider is necessary. Placing additional, unnecessary, and in some instances impossible requirements on applicants in order to receive reimbursement payments clearly undermines the policy underlying the Good Samaritan rule. This is particularly true in cases such as this, where the applicant risks losing E-rate program reimbursements for reasons outside of its control and for services already paid for and received.

**B. Good Cause Exists for the Commission to Grant the Requested Waiver.**

The School Board maintains that it is the Good Samaritan rules and procedures that require reexamination. Yet, if the Commission deems it necessary to grant SBMC's requested relief, a waiver of Section 54.504(f) and any other Commission rules as are necessary is appropriate given the facts of this case. SBMC has already paid for and received the services at issue and is simply awaiting reimbursement.

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<sup>15</sup> See Good Samaritan Request Approval Letter – Example, attached as Exhibit G. This document has been edited to protect identifiable information.

<sup>16</sup> *Good Samaritans*, Universal Service Administrative Company, *supra* note 14.

It also attempted to comply in every way possible with outdated Good Samaritan procedures that, in certain instances, make such a task impossible.

### **III. RELIEF SOUGHT**

For the foregoing reasons, the School Board now respectfully requests that the Commission expeditiously (1) instruct USAC to revise its Good Samaritan rules and procedures, (2) direct USAC to issue reimbursement to SBMC in the amount of \$111,240.00, and (3) to the extent necessary, waive Section 54.504(f) and any other of the Commission's rules as are necessary to grant the requested relief.

Respectfully submitted *on behalf of*  
The School Board of Marion County, Florida

/s/ Catherine H. Cruzan

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Catherine H. Cruzan  
President  
Funds For Learning, LLC

2575 Kelley Pointe Parkway  
Suite 200  
Edmond, OK 73013

ccruzan@fundsforlearning.com  
405-471-0965

August 26, 2016

cc: Scott Hansen  
Marion County School District  
512 SE 3rd St.  
Ocala, FL 34471  
Scott.Hansen@marion.k12.fl.us

# Exhibit A

Email from David Suarez



## Hansen, Scott - Technology and Information Systems

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**From:** Hansen, Scott - Technology and Information Systems  
**Sent:** Thursday, June 25, 2015 8:30 AM  
**To:** Lies, Kathryn - Technology and Information Systems; lfadok@fundsforlearning.com; Funds For Learning (erate@fundsforlearning.com) (erate@fundsforlearning.com)  
**Cc:** Gregory, Chester - Deputy Superintendent, Operations; Boston-Ellis, Theresa - Executive Director of Business Services  
**Subject:** FW: ERATE

ERATE Team – Funds For Learning,

Please see email message below from Mr. Suarez and lets coordinate a call in the next week (Wednesday or Thursday) to review our next steps, documentation requirements and options as we move forward through this process to ensure we receive our FY 2013, 2014 and 2015 e-rate disbursement checks.

Kathy, please coordinate the conference call with FFL.

Once we review our options , I will make a recommendation to Mr. Gregory -Deputy Superintendent of Operations.

SAH

From: David Suarez [mailto:dsuarez@floridacable.com]  
Sent: Thursday, June 25, 2015 8:14 AM  
To: Hansen, Scott - Technology and Information Systems  
Subject: Re: ERATE

Scott,

I saw you called yesterday, but I was attending all day meetings and did not have a chance to call back. Just to bring you up to speed, the current owners are selling Florida Cable and I'm deeply involved in the transition of the company. So you understand, I realize the current owners have not paid the required payment as indicated. The liability is clearly outlined for the buying group and will be handed. So whether it is paid by current owners prior to the closing, or whether the payment is paid by the group purchasing Florida Cable. It will be paid. I'm truly sorry for this and all the difficult issues we have gone through, it has been tough for all involved. The current owners selling Florida Cable is a good thing for everyone. This will allow the company going forward to thrive and the new group will invest the necessary funds to improve and grow the company.

I would please ask that you continue your patience as the process moves forward for the closing. I will ask the current owners to see if they intend to pay this now, or carry the liability for the new ownership to pay. I fully get this payment is way overdue. I'm doing what I can to get this handle now instead of at the closing. But I do not have access to checks or the bank account.

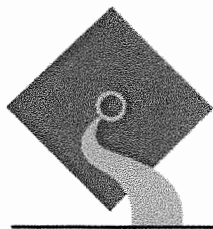
Sincerely,

David

On Jun 24, 2015, at 10:54 AM, Hansen, Scott - Technology and Information Systems  
<Scott.Hansen@marion.k12.fl.us<mailto:Scott.Hansen@marion.k12.fl.us>> wrote:

# Exhibit B

SBMC's Good Samaritan Request  
and  
Good Samaritan Request Approval Letter  
Issued by USAC



# Marion County Public Schools

www.marion.k12.fl.us  
512 SE Third Street • Ocala FL 34471-2212  
PO Box 670 • Ocala FL 34478-0670  
(352) 671-7700 • Fax (352) 671-7788  
FRS (800) 955-8770 (voice) • (800) 955-8771 (TTY)

August 15, 2016

Good Samaritan Request  
Schools and Libraries – Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

Good Samaritan Team,

Marion County School District (BEN 127868) is filing a Good Samaritan request for the District's FY2015 funding request 2787489. The details for this request are listed below:

Applicants Name: Marion County School District  
Applicants Address: 420 B SE Alvarez Avenue  
Ocala, FL 34471  
FCC Form 471 Number: 1026667  
FRN: 2787489  
Original Service Provider: City of Dunnellon; Greenlight Dunnellon Communications (d/b/a Florida Cable)  
SPIN: 143035747  
Total Reimbursement: Pre Discount \$123,600.00; Discount Amount \$111,240.00

Funds For Learning, Marion County's E-rate Consultants submitted a Dunning Violation to USAC against City of Dunnellon dba Florida Cable for the FY13 FRN 2482467 for the funds that were disbursed by USAC and being held by the vendor, and were not reimbursed to Marion County School District. The District is unable, regardless of this vendor's status, to seek reimbursement from City of Dunnellon dba Florida Cable since they are knowingly holding \$103,309.00 in funding owed to Marion County School District for the District's FY13 BEAR payments. Based on the Dunning Violation filed, and per communications with USAC, this vendor is currently under investigation by USAC.

Funds For Learning was advised by USAC to submit a Good Samaritan for the District's FY15 FRN to seek reimbursement for the FY15 committed funds, along with providing the explanation to support that a Good Samaritan is the only available option for Marion County School District to seek reimbursements for the committed funds owed to Marion County School District for the FY15 services paid in full by the

George D. Tomin Superintendent	Nancy Stacy District 1	Carol Ely District 2	Bobby L. James District 3	Angie Boynton District 4	Kelly King
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District 5

– An Equal Opportunity School District & Drug-Free Workplace –

SAVE-A-FRIEND Hotline 1-877-7FRIEND



District. This request is further impacted by the October 28, 2016 deadline to seek reimbursement for the FY15 funds.

Please let us know what additional information is needed to expedite the processing of this request.

Sincerely,



Scott Hansen

Director of Technology & Information Services

cc: Mick Kraft, USAC

Michael Deusinger, USAC

District 5

George D. Tomin  
Superintendent

Nancy Stacy  
District 1

Carol Ely  
District 2

Bobby L. James  
District 3

Angie Boynton  
District 4

Kelly King

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– An Equal Opportunity School District & Drug-Free Workplace –

SAVE-A-FRIEND Hotline 1-877-7FRIEND



**GOOD SAMARITAN REQUEST APPROVAL LETTER**

September 21, 2016

Scott Hansen  
Marion County School District  
512 SE 3<sup>rd</sup> St.  
Ocala, FL 34471

Re: FCC Form 471 Application                      1026667  
Number  
Funding Request Number(s):              2787489  
Funding Year                                      2015

This letter is your notification that the Schools and Libraries Division (SLD) has reviewed your request for the assistance of a Good Samaritan Service Provider and has approved your request for special processing of your invoice.

Reimbursement Amount: \$111,240.00

This special accommodation is applicable only to the above captioned FCC Form 471 Application(s) and Funding Request Number(s).

In order to receive your authorized support, you must initiate the re-invoicing process by submitting a new FCC Form 472 (Billed Entity Applicant Reimbursement - BEAR) form.

As of 7/01/2016, you can request direct reimbursement for the discount portion of the costs for approved eligible products and services that have paid for in full. Before you can be reimbursed by filing an FCC Form 472, Billed Entity Applicant Reimbursement Form, the following must occur:

- The applicant has certified – and USAC has successfully processed – an FCC Form 498. Please refer to the [December 4, 2015 Newsbrief](#) for information on how to file this form.
- The applicant must have a Personal Identification Number (PIN). Please refer to the [June 24, 2016 Newsbrief](#) for information on how to obtain a PIN.

A completed Billed Entity Applicant Reimbursement (BEAR), must be received or postmarked no later than 120 days after the date of the FCC Form 486 Notification Letter or 120 days after the last date to receive service or 120 days after the date of this Approval Letter, whichever is later. Access to the online BEAR (FCC Form 472) is available in the SLD Forms area of the SLD web site at [www.usac.org/sl/](http://www.usac.org/sl/) or is available by contacting the SLD Client Service Bureau at 1-888-203-8100. Once your BEAR (FCC Form 472) is submitted and processed, you will receive a "BEAR

Acknowledgement Letter". The approved funds will be transferred into the bank account specified on the related FCC Form 498 form.

Thank you for your interest in the Schools and Libraries Universal Service Program.

Schools and Libraries Division  
Universal Service Administrative Company

# Exhibit C

FCC Form 472 (BEAR Form)  
Reimbursement Request

Universal Service for Schools and Libraries

Please read instructions before completing.

(To be completed by schools, libraries, or consortia.)

BILLED ENTITY APPLICANT REIMBURSEMENT FORM

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.  
Only one Service Provider Identification Number (SPIN) per form.  
Must be completed and signed by the Billed Entity Applicant.

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to [PRA@fcc.gov](mailto:PRA@fcc.gov). PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0856.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Applicant Form Identifier (Create an identifier for your own reference)	FCC Form 472 Invoice #
MC15-47220-WAN-Remote	(To be inserted by administrator) 2442139

BLOCK 1: HEADER INFORMATION

1. Billed Entity Name	MARION COUNTY SCHOOL DISTRICT
2. Billed Entity Number	127868
3. Service Provider Identification Number (SPIN)	143035747
Applicant FCC Form 498 ID	443006368
4. Contact Name	Kari Reece
5. Contact Telephone Number	352- 6717776 ext
6. Total Reimbursement Amount (total from Block 2, Column 14)	\$111,240.00



**Billed Entity Applicant Reimbursement Form**

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Billed Entity Name MARION COUNTY SCHOOL DISTRICT Billed Entity Number 127868Contact Name Kari Reece Contact Telephone Number 352-6717776Applicant Form Identifier MC15-47220-WAN-Remote**BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER**

	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	FCC Form 471 Application Number (from Funding Commitment Decision Letter)	Funding Request Number (FRN) (from Funding Commitment Decision Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service	Discount Rate	Amount Billed to USAC (Column 12 multiplied by Column 13)
			DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (10) or Column (11), but not both Columns				
1	1026667	2787489	MONTHLY	10/1/2015		\$10,300.00	90.00	\$9,270.00
2	1026667	2787489	MONTHLY	4/1/2016		\$10,300.00	90.00	\$9,270.00
3	1026667	2787489	MONTHLY	7/1/2015		\$10,300.00	90.00	\$9,270.00
4	1026667	2787489	MONTHLY	2/1/2016		\$10,300.00	90.00	\$9,270.00
5	1026667	2787489	MONTHLY	11/1/2015		\$10,300.00	90.00	\$9,270.00
6	1026667	2787489	MONTHLY	5/1/2016		\$10,300.00	90.00	\$9,270.00
7	1026667	2787489	MONTHLY	8/1/2015		\$10,300.00	90.00	\$9,270.00
8	1026667	2787489	MONTHLY	1/1/2016		\$10,300.00	90.00	\$9,270.00
9	1026667	2787489	MONTHLY	3/1/2016		\$10,300.00	90.00	\$9,270.00
10	1026667	2787489	MONTHLY	12/1/2015		\$10,300.00	90.00	\$9,270.00
11	1026667	2787489	MONTHLY	9/1/2015		\$10,300.00	90.00	\$9,270.00
12	1026667	2787489	MONTHLY	6/1/2016		\$10,300.00	90.00	\$9,270.00
13								
14								
<b>TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (6)</b>								<b>\$111,240.00</b>

# BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name MARION COUNTY SCHOOL DISTRICT

Billed Entity Number 127868

Contact Name Kari Reece

Applicant Form Identifier MC15-47220-WAN-Remote

## Block 3: Billed Entity Certification

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Billed Entity Applicant Reimbursement Form on behalf of the eligible schools, libraries, or consortia of those entities represented on this Form, and I certify to the best of my knowledge, information and belief, as follows:

- A. The discount amounts listed in this Billed Entity Applicant Reimbursement Form represent charges for eligible services and/or equipment delivered to and used by eligible schools, libraries, or consortia of those entities for educational purposes, on or after the service start date reported on the associated FCC Form 486.
- B. The discount amounts listed in this Billed Entity Applicant Reimbursement Form were already billed by the Service Provider and paid for by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities.
- C. The discount amounts listed in this Billed Entity Applicant Reimbursement Form are for eligible services and/or equipment approved by the Fund Administrator pursuant to a Funding Commitment Decision Letter (FCDL).
- D. I acknowledge that I may be audited pursuant to this application and will retain for at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification), after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request any and all records that I rely upon to complete this form.
- E. I certify that, in addition to the foregoing, this Billed Entity Applicant is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

15. Signature of authorized person **Signed electronically by SCOTT HANSEN**

16. Date **10/18/2016**

17. Printed name of authorized person **SCOTT HANSEN**

18. Title or position of authorized person **Director Tech & Info Sys**

19. Telephone number of authorized person **352- 6717775**

20. Address of authorized person **512 se 3rd street, Ocala FL 34471**

# Exhibit D

FCC Form 472 (BEAR) Notification Letter



Universal Service Administrative Company

Schools and Libraries Division



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Form 472 (BEAR) Notification Letter

October 26, 2016

David Suarez  
City of Dunnellon  
23505 State Road 40  
Astor, FL 32102

Re: Invoice Number - as assigned by USAC: 2442139  
Service Provider Identification Number: 143035747  
Reimbursement Form Number: MC15-47220-WAN-Remote  
Billed Entity Number: 127868

Kathy Lies  
MARION COUNTY SCHOOL DISTRICT  
420 B SE Alvarez Ave  
Ocala, FL 34471

Preferred Mode of Contact: E-mail at [kathryn.lies@marion.k12.fl.us](mailto:kathryn.lies@marion.k12.fl.us)  
Total Amount of Reimbursement Approved for Payment: \$0.00

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR using the BEAR Online tool from the Apply Online area or Required Forms section of our website to request reimbursement for any unpaid lines.

If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,

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Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

- Applicant BEN and Service Provider Identification Number (SPIN), - FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC,
- "Funding Commitment Decision Letter for Funding Year 2015," AND
- The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.

4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.

5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org) or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542. To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
 Schools and Libraries Division - Correspondence Unit  
 30 Lanidex Plaza West  
 PO Box 685  
 Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the Schools and Libraries section of the USAC website.

The maximum remaining amount available for each Funding Request Number (FRN) listed on the Report will be the original commitment less the amount approved herein for reimbursement and less any earlier disbursements to your customer.

PLEASE NOTE: The type of invoice form (BEAR or SPI) for the funding year is established by the receipt and approval of the first invoice submitted for the FRN for the funding year. For example, if we successfully process a BEAR for an FRN, we will not approve a SPI for that same FRN at a later time.

Please see the Guide to Letter Reports posted on our website for an explanation of the items listed in the attached Report.

COMPLETE PROGRAM INFORMATION is posted on our website. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736 or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division  
 Universal Service Administrative Company

CC: MARION COUNTY SCHOOL DISTRICT

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT



Form 471 Application Number: 1026667  
Funding Request Number: 2787489  
Funding Year 2015: 07/01/2015 - 06/30/2016  
Contract Number: N/A  
Funding Commitment Decision: \$111240.00  
Reimbursement Amount for this FRN: \$0.00  
Reimbursement Request Decision Explanation:  
Service Provider Not Certified;

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Form 471 Application Number: 1026667  
Funding Request Number: 2787489  
Funding Year 2015: 07/01/2015 - 06/30/2016  
Contract Number: N/A  
Funding Commitment Decision: \$111240.00  
Reimbursement Amount for this FRN: \$0.00  
Reimbursement Request Decision Explanation:  
Service Provider Not Certified;

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Funding Request Number: 2787489  
Funding Year 2015: 07/01/2015 - 06/30/2016  
Contract Number: N/A  
Funding Commitment Decision: \$111240.00  
Reimbursement Amount for this FRN: \$0.00  
Reimbursement Request Decision Explanation:  
Service Provider Not Certified;

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Form 471 Application Number: 1026667  
Funding Request Number: 2787489  
Funding Year 2015: 07/01/2015 - 06/30/2016  
Contract Number: N/A  
Funding Commitment Decision: \$111240.00  
Reimbursement Amount for this FRN: \$0.00  
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Contract Number: N/A  
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Reimbursement Amount for this FRN: \$0.00  
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BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 1026667  
Funding Request Number: 2787489  
Funding Year 2015: 07/01/2015 - 06/30/2016  
Contract Number: N/A  
Funding Commitment Decision: \$111240.00  
Reimbursement Amount for this FRN: \$0.00  
Reimbursement Request Decision Explanation:  
Service Provider Not Certified;

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Funding Request Number: 2787489  
Funding Year 2015: 07/01/2015 - 06/30/2016  
Contract Number: N/A  
Funding Commitment Decision: \$111240.00  
Reimbursement Amount for this FRN: \$0.00  
Reimbursement Request Decision Explanation:  
Service Provider Not Certified;

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Funding Request Number: 2787489  
Funding Year 2015: 07/01/2015 - 06/30/2016  
Contract Number: N/A  
Funding Commitment Decision: \$111240.00  
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Reimbursement Request Decision Explanation:  
Service Provider Not Certified;

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Form 471 Application Number: 1026667  
Funding Request Number: 2787489  
Funding Year 2015: 07/01/2015 - 06/30/2016  
Contract Number: N/A  
Funding Commitment Decision: \$111240.00  
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Reimbursement Request Decision Explanation:  
Service Provider Not Certified;

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Form 471 Application Number: 1026667  
Funding Request Number: 2787489  
Funding Year 2015: 07/01/2015 - 06/30/2016  
Contract Number: N/A  
Funding Commitment Decision: \$111240.00  
Reimbursement Amount for this FRN: \$0.00  
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Service Provider Not Certified;

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BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT



Form 471 Application Number: 1026667  
Funding Request Number: 2787489  
Funding Year 2015: 07/01/2015 - 06/30/2016  
Contract Number: N/A  
Funding Commitment Decision: \$111240.00  
Reimbursement Amount for this FRN: \$0.00  
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Service Provider Not Certified;

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Form 471 Application Number: 1026667  
Funding Request Number: 2787489  
Funding Year 2015: 07/01/2015 - 06/30/2016  
Contract Number: N/A  
Funding Commitment Decision: \$111240.00  
Reimbursement Amount for this FRN: \$0.00  
Reimbursement Request Decision Explanation:  
Service Provider Not Certified;

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# Exhibit E

SBMC Request for USAC Guidance

**From:** Lori Fadok [<mailto:lfadok@fundsforlearning.com>]

**Sent:** Thursday, October 27, 2016 11:22 AM

**To:** Michael Kraft

**Subject:** BEAR Denial - Good Sam Approval 9/21/2016 FW: MC15-Good Samaritan Case 22-905064 FRN 2787489 Approved

Mick,

Good morning. We are looking for guidance on a BEAR for Marion County School District (BEN 127868) for the FY15 Good Samaritan that was approved by USAC (see attached approval letter), but the BEAR was then denied payment per the email notification below, suggesting that the District file an FCC Waiver. We were instructed by USAC to submit the Good Samaritan request for the FY15 FRN only because the vendor did not have a SPAC on file for FY15 (John Vanderzee advised that if the vendor did have a SPAC on file there would be no need for a Good Samaritan because of the new direct payment process).

In previous years, once a Good Samaritan was processed another vendor's SPIN was assigned as the 'Good Samaritan' to seek reimbursements through, and the attached approval letter did not include this, and with the direct payment should not affect the District receiving the reimbursements.

It makes no sense that the District would need to file an FCC Waiver to receive the reimbursement on an FRN that was issued an approval, by USAC on 9/21/2016, for a Good Samaritan Request.

Please advise what steps the District needs to take to receive the \$111,240.00 in reimbursements for the FY15 services that were paid in full by the District for FRN 2787489.

Thank you,

Lori

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**LORI FADOK**

Senior Compliance Analyst

Funds For Learning

[lfadok@fundsforlearning.com](mailto:lfadok@fundsforlearning.com)

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# Exhibit F

Email Response from USAC Representative

**From:** Michael Kraft [<mailto:Michael.Kraft@usac.org>]

**Sent:** Thursday, October 27, 2016 11:29 AM

**To:** Lori Fadok <[lfadok@fundsforlearning.com](mailto:lfadok@fundsforlearning.com)>

**Subject:** RE: BEAR Denial - Good Sam Approval 9/21/2016 FW: MC15-Good Samaritan Case 22-905064  
FRN 2787489 Approved

Lori,

The SPAC is required for any invoice, BEAR or SPI, to be processed. This is a rule and we cannot waive the rules. A waiver is needed for the rule. The Good Samaritan process cannot be used as a means to circumvent the programs rules.

Best regards,

**Michael Kraft**

(202) 776-0200 (ph)

[mkraft@usac.org](mailto:mkraft@usac.org)

# Exhibit G

## Good Samaritan Request Approval Letter Example

**GOOD SAMARITAN REQUEST APPROVAL LETTER**

April 15, 2014

Funds For Learning, LLC  
2575 Kelley Pointe Parkway  
Suite 200  
Edmond, OK 73013

Re: FCC Form 471 Application                      xxxxxxxx  
Number  
Funding Request Number(s):                      xxxxxxxx  
Funding Year    2010

This letter is your notification that the Schools and Libraries Division (SLD) has reviewed your request for the assistance of a Good Samaritan Service Provider and has approved the following service provider to act in this capacity:

AT&T Corp. - SPIN 143001192

This Good Samaritan accommodation is applicable only to the above captioned FCC Form 471 Application(s) and Funding Request Number(s).

We have enclosed a Billed Entity Applicant Reimbursement (BEAR) Form for your convenience. The completed BEAR (FCC Form 472), signed by your Good Samaritan Service Provider, must be received or postmarked no later than 120 days after the date of the FCC Form 486 Notification Letter or 120 days after the last date to receive service or 120 days after the date of the Good Samaritan Approval Letter, whichever is later. Once your BEAR (FCC Form 472) is received and processed, you will receive a "Special BEAR Acknowledgement Letter".

Thank you for your interest in the Schools and Libraries Universal Service Program.

Schools and Libraries Division  
Universal Service Administrative Company

Cc: AT&T Corp.

Enc: BEAR (FCC Form 472)